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Patent

8/Election

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : Aboul-Hosn et al.

Examiner: M. Milano

Serial No. : 09/440,462

Group Art Unit: 3738

Filed : November 15, 1999

For : Pulmonary and Circulatory Blood Flow Support Devices and Methods for Heart Surgery Procedures

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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

This responds to the restriction requirement mailed September 24, 2001. An automatic four month extension of time to respond, up to and including February 24, 2002, is respectfully requested. The requisite fee accompanies this amendments.

Applicant hereby elects, with right of traverse, the invention defined in claims 1-23 and 37-46 (Examiner's Group I).

Respectfully submitted,

By

Daniel D. Ryan
Registration No. 29,243

RYAN KROMHOLZ & MANION, S.C.
P.O. Box 26618
Milwaukee, Wisconsin 53226-0618
February 19, 2002
440462rr.ddd



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CAU/3738

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Aboul-Hosn et al.

Serial No.: 09/ 440,462

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For: Pulmonary and Circulatory Blood Flow Support Devices and Methods
Heart Surgery Procedures

Group No. 3738

Examiner M. Milano

Commissioner of Patents and Trademarks
Washington, D.C. 20231

AMENDMENT TRANSMITTAL

1. Transmitted herewith is a Response to Restriction Requirement for this application.

STATUS

2. Applicant is

☒ a small entity - verified statement:

☐ attached.

☒ already filed.

☐ other than a small entity.

CERTIFICATE OF MAILING (37 CFR 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United State Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Date: 19 February 2002

Julie A. Wolf

Type or print name of person mailing paper

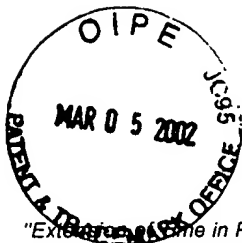
Julie A. Wolf

(Signature of person mailing paper)

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EXTENSION OF TERM

NOTE: "Extension of Time in Patent Cases (Supplement Amendments) - if a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).

NOTE: See 37 CFR 1.645 for extensions of time in interference proceedings and 37 CFR 1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply
(complete (a) or (b) as applicable)

- (a) ☒ Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

Extension (months)	Fee for other than Small Entity	Fee for Small Entity
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 400.00	\$ 200.00
<input type="checkbox"/> three months	\$ 920.00	\$ 460.00
<input checked="" type="checkbox"/> four months	\$1440.00	\$ 720.00

Fee: \$ 720.00

If an additional extension of time is required please consider this a petition therefor.

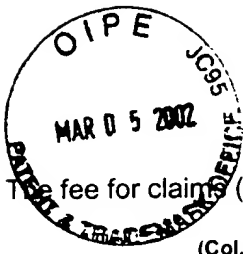
(check and complete the next item, if applicable)

- ☐ An extension for _____ months has already been secured and the fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request: \$ _____

OR

- (b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.



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FEE FOR CLAIMS

4. The fee for claims (37 CFR 1.16(b)-(d)) has been calculated as shown below:

(Col. 1) SMALL ENTITY	(Col. 2)	(Col. 3)	SMALL ENTITY			OTHER THAN		
CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDL. FEE	OR	RATE	ADDL. FEE	
TOTAL *	32 minus ** 46 =	0	x 9 =	\$ 0 <		x 18 =	\$ <	
INDEP.*	4 minus ** 11 =	0	x 42 =	\$ 0 <		x 84 =	\$ <	
[] FIRST PRESENTATION OF MULTIPLE DEP. CLAIM			0+\$140 = \$ 0 <			+\$280 = \$ <		
			TOTAL ADDIT FEE \$0.00			TOTAL ADDIT FEE \$		

- * If the entry in Col. 1 is less than entry in Col. 2, write "0" in Col. 3.
** If the "Highest No. Previously Paid for" IN THIS SPACE is less than 20, enter "20".
*** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".
The "Highest No. Previously Paid For" (Total or indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

WARNING: "After final rejection or action (S 1.113) amendments may be made cancelling claims or complying with any requirement of form which has been made." 37 CFR S 1.116(a) (emphasis added).

(complete (c) or (d) as applicable)

(c) [X] No additional fee for claims is required.

OR

(d) [] Total additional fee for claims required \$_____.

FEE PAYMENT

5. [X] Attached is a check in the sum of \$ 720.00.

[] Charge Account No. _____ the sum of \$_____.

A duplicate of this transmittal is attached.

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FEE DEFICIENCY


NOTE:

If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).

6. ☒ If any additional extension and/or fee is required, charge Account No. 06-2360.

AND/OR

- ☒ If any additional fee for claims is required charge Account No. 06-2360


SIGNATURE OF ATTORNEY

Daniel D. Ryan

TYPE OR PRINT NAME OF ATTORNEY

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